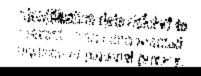




## U.S. Department of Justice

Immigration and Naturalization Service



OFFICE OF ADMINISTRATIVE APPEALS 42) Tye Street N.W. ULLB, 3rd Floor Washington, D.C. 20136.

File:

EAC 99 110 50114

Office: Vermont Service Center

Date:

MAY 02 2002

IN RE: Petitioner:

Beneficiary;

Petition:

Immigrant Potition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Ahen of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C.

1153(b)(2)

## IN BEHALF OF PETITIONER:





## INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was mappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the teasons for reconsideration and he supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(t).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filled within 30 days of the decision that the motion seeks to reopera, except that failure to file before this period expires may be excused in the discretion of the Service where it is demanstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filled with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

> FOR THE ASSOCIATE COMMISSIONER. EXAMINATIONS

Robert P. Wiemann, Director

Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

Review of Service records indicates that, subsequent to the filing of the instant petition, a U.S. employer filed another Form I-140 petition seeking another classification on the alien's behalf. Service records further indicate that the second petition was approved on August 7, 2000. The alien subsequently filed a Form I-485 Application to Adjust Status, receipt number FAC 01 195 56036, which was approved on March 1, 2002. Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed, based on the alien's adjustment to lawful permanent resident status.